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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/880,474      | 06/12/2001  | Jamal Benbrahim      | IGTIP376/P-227      | 5212             |

22434 7590 08/27/2007  
BEYER WEAVER LLP  
P.O. BOX 70250  
OAKLAND, CA 94612-0250

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| EXAMINER |
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OMOTOSHO, EMMANUEL

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| ART UNIT | PAPER NUMBER |
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3714

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| MAIL DATE | DELIVERY MODE |
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08/27/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |   |  |
|------------------------------|--------------------------------------|---|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/880,474 | <b>Applicant(s)</b><br>BENBRAHIM, JAMAL |  |
|                              | <b>Examiner</b><br>Emmanuel Omotosho | <b>Art Unit</b><br>3714                 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 July 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 18-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Request for Continued Examination (RCE)***

This is in response to the RCE filed 07/09/07 in which claim 18 was amended and claim 36 was added. Claims 18-36 are pending.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

2. Claims **18-36** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowe (US 6,645,077) in view of Graunke et al (US 5,991,399) and Alcorn et al (US 6,149,522).

3. In regards to claims 18,22,24-26 and 35-36 Rowe teaches a gaming terminal data repository and information distribution system for transmitting games over a communications link (Rowe Col 6:44-61, Col 5:51-58), audio and

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video data utilized during the play of said games (*Rowe* Col 9:35-56 & Elm 230, 232), the utilization encryption with the transmission data (*Rowe* Col 22:30-51), the select transmission of multiple operational game configuration based on the jurisdiction which the game is operated (*Rowe* Col 13:50-65), receiving an element of value for use as credit on a gaming device for wagering a bet on a game (Fig 6A), the display device for displaying the outcome of a game (Fig 6A), and the operation of the respective game once stored (*Rowe* Col 4:66-5:13) on a programmable memory device such as RAM in communication with a processor at the respective terminal location (*Rowe* Fig2, Elm 206, & Col 20:1-21).

4. Rowe however is silent regarding

a. The specific manner of encryption utilized

i. However, Graunke teaches a manner of encryption suitable for the distribution of software Rowe including the distribution of games (*Graunke* Col 6:30-35, 3:67-4:1 & Elm 104) that utilizes a private key for the cryptographic processing of data (*Graunke* Elm 102, 104, 124, 130), the utilization of a secure access module (*Graunke* Elm 52, "Tamper Resistant Key Module") for storing multiple private keys (*Graunke* Elm 102, 106, 110). Graunke further teaches the system taking remedial action whenever the decrypted data is not authenticated by the remote device (Fig 4b Elm. 118,119,120,128,138)

ii. As discussed above Rowe teaches the use of encryption but is silent regarding the specific manner and related features as to

how encryption is incorporated/implemented within the disclosed invention. Given these general teachings one of ordinary skill in the art would have been forced to seek outside references, such as the Graunke reference for disclosure as to the known manners and/or procedures of enacting the encryption as described in the first invention of Rowe. Accordingly, it would have been obvious to one of ordinary skill in the art to incorporate the encryption techniques of Graunke into the invention of Rowe so as to allow for the full functionality of the invention of Rowe to be realized.

b. The gaming device sending information relating to the decrypted data to a remote device for authentication of the decrypted data.

iii. However, Alcorn teaches the generation of a message digest (i.e. information relating to the game data) from the game data. After decrypting the message digest, the game device sends the decrypted content to an authentication program on a remote device. The authentication program validates/authenticates the game data by using the message digest (Abstract). If the game contents are not authenticated, a remedial action such as preventing the use of the game data is taking (Alcorn Col 9 lines 6-16).

iv. As discussed above Rowe teaches the use of encryption but is silent regarding the specific manner and related features as to how encryption is incorporated/implemented within the disclosed

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invention. Graunke teaches the known manners and/or procedures of enacting the encryption as described in the first invention of Rowe. Alcorn teaches a step of taking the security measures a step further to prevent tampering with the contents of the game data (Abstract, Par 3 lines 44-55). Therefore, it would have been obvious to one of ordinary skill in the art to incorporate Alcorn's teachings to further prevent tampering with the contents of the game data.

In regards to claims 19-21 and 23, Graunke disclose the utilization of a secure access module (*Graunke* Elm 52, "Tamper Resistant Key Module") for storing multiple private keys (*Graunke* Elm 102, 106, 110) and further disclose the storage of the operating data at the gaming device (Col. 8 lines 65- Col 9 line 1).

In regards to claims 24-25, Rowe discloses the operation of the respective game stored (*Rowe* Col 4:66-5:13) on a programmable memory device such as RAM in communication with a processor at the respective terminal location (*Rowe* Fig2, Elm 206, & Col 20:1-21).

In regards to claims 27-30 and 31-34, Rowe discloses the gaming device wherein games are approved for use in different jurisdiction (Fig. 4), the remedial action is to erase the private key or code stored on the gaming device since there is no point of keeping it (*Graunke* Fig. 4b Elm 128) and also (*Alcorn* Col 9 lines 6-16), and the calculating of digital signatures based on the operating data (Col 5 lines 15-25).

### ***Response to Arguments***

5. Applicant's arguments filed 07/03/07 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Omotosho whose telephone number is (571) 272-3106. The examiner can normally be reached on m-f 10-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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EO

*Ronald Laneau*

RONALD LANEAU  
PRIMARY EXAMINER

8/22/07